

MILFORD PLANNING BOARD PUBLIC HEARING
September 27, 2016 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Christopher Beer, Chairman
Tim Finan
Doug Knott
Janet Langdell
Susan Robinson
Jacob LaFontaine, Alternate

Staff:

Lincoln Daley, Comm. Dev. Director
Mitchell Hemmer, Videographer

Excused:

Paul Amato
Kevin Federico, BOS Representative

MINUTES:

1. Call to Order/Roll Call
2. Approval of minutes from 7/14/16, 8/23/16.

NEW BUSINESS:

3. **Whiting Hill Realty Trust/Falcon Ridge, LLC/ MaRick Land Company, LLC – Falcon Ridge Development/Long Hill Estates – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request to amend revised improvements timetable and securities relating to Falcon Ridge Development.

Chairman Beer called the meeting to order at 6:30PM. He introduced the Board and staff and explained the ground rules for the public hearing.

MINUTES:

L. Daley noted that the minutes for the 7/14/16 meeting would be sent out next week.

J. Langdell submitted one revision to the August minutes and made a motion to approve the minutes of August 23, 2016, as amended. S. Robinson seconded. J. Lafontaine abstained and all else in favor. Motion carried by a vote of 5-0-1.

Whiting Hill Realty Trust/Falcon Ridge, LLC/ MaRick Land Company, LLC – Falcon Ridge Development/Long Hill Estates – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45. Request to amend revised improvements timetable and securities relating to Falcon Ridge Development.

C. Beer read the agenda and stated that the application was complete, per the staff memo. J. Langdell made a motion to accept the application. D. Knott seconded and all in favor; motion carried 6-0-0. It was then noted that this item was not a new application, but continued from the July 26, 2016 meeting.

No abutters were present:

Chairman Beer recognized:
Andy Prolman, Prunier & Prolman
Jay Heavisides, Meridian Land Services, Inc.
Mike Tancreti, Whiting Hill Realty Trust
De Desharnais, Ashwood Development Companies

L. Daley gave a brief overview stating that in July, the Board approved amendment #5 to the Development Agreement revising the timetable for onsite improvements relating to the Falcon Ridge Development. The Board

deferred the decision relating to offsite improvements to today's date pending the following, that the applicant submit a plan, a cost estimate and a timetable to execute the offsite improvements to the Planning Board at the 9/27/16 meeting and that all security be in place prior to the issuance of any building permits. The applicant and I worked together to resolve the securities issue; all sureties have been revised or extended and are in place for both onsite and offsite improvements completion, as originally approved. J. Langdell asked if the amount of surety for the intersection improvements covered only what was originally planned. L. Daley replied that was correct, it covers what was approved back in 2006. There has been a long discussion between the Town and the applicant regarding the second phase of the offsite improvements to improve the intersection of Wilton and North River Roads and the securities are not for the current discussion.

A Prolman requested that this condition of the plan be removed because it far exceeds what was contemplated at the time of the original plan approval.

J. Heavisides said he was the engineer who did the original plans for the intersection and provided a detailed history of the proposed improvements. In 1983, the open channel was approved to be enclosed and sometime thereafter an eight (8') ft corrugated metal penstock was put in underneath that bridge. At the time of original approval, the Town's engineer Dufresne-Henry said the intersection should be improved to allow a tractor-trailer to go through which would have required a much wider radius, but the DPW Director Bill Ruoff felt that the radius only needed to be wide enough to accommodate emergency vehicles. At that time we thought the bridge was a solid structure and that the sidewalk was on top of the bridge so we thought that the radius could be increased as long as we could use the bridge and keep the pavement on it. When the applicant went to construct this, it was discovered that the sidewalk was actually above the bridge structure and there was nothing to put the road on. That's also when investigations to reinforce the penstock started and Dennis LaBombard a structural engineer was also called in. When the project construction started up again, we discovered that the penstock was not completely backfilled and actually had holes with water spraying out and found another 15" drainage pipe of unknown origins also going across underneath there. We did some further excavation last year and considered a pre-cast structure but found that the penstock is covered with a layer of unreinforced concrete with two (2') ft of loam which further complicated things. The applicant, the Board and I did not think this improvement would be a big thing back then, but it is far beyond that as discovered with multiple excavations. I would also like to point out that the widening of the intersection radius was only one, of several, off-site improvements. The intersection at Maple St and North River Rd was realigned making it much safer and approximately 650ft of North River Rd was re-paved and improved with ditches and closed drainage going down to Wilton Rd. Those changes have improved the conditions of that area. He reiterated that the increase in radius was one of the many things to be done offsite and after many investigations, it is much bigger than anticipated. It was not a "have to do", but a "would be nice if you could do" improvement and although anything can be engineered, the options here are much more difficult. North River Rd could be realigned but land would have to be acquired and there would still be a kink in trying to align all the roads. Again, all the other improvements have been made and if this were possible, it would have been done.

J. Langdell noted that in 2013 we had a plan for the Pine Valley Mill come before us, adding considerable more housing. When we looked at the neighborhood in which it was, the Board was concerned with fire apparatus access and the amount of traffic going through that intersection. We were told don't worry, it's going to get fixed because it's part of the Falcon Ridge plan. So the story continues because this Board made some decisions based on that Development Agreement and upon what we were told.

S. Robinson brought up one of the proposed solutions of a possible extension of six months to a year to explore reasonable alternatives and asked the applicant if they are pursuing any and is there a benefit to giving them another six months. J. Heavisides said that he didn't see many alternatives, other than what he described. A. Prolman made the request in his email, but wasn't sure that would come to pass after working with the engineers over the past month looking at the alternatives. We provided an initial cost estimate from Evroks Corporation for preliminary work on the bridge that came in at \$90,000 and that was only one piece of the puzzle. We know, as does Mike Tancreti who is a long time contractor, that there will be many other costs in building out anything relating to that bridge. We thought this might be a \$5,000 or \$10,000 job to soften the radius at the corner during the original approval and now it is well into the six figures.

J. Langdell said from what we've heard tonight, it seems that there is a whole other player in this when it comes to making modifications to this section of road where the penstock runs through. D. Knott inquired if anyone from Pine Valley knows about the leak. A. Prolman said the prior and current owners' representatives walk the penstock annually and their inspections are on record with FERK; however, Dakota Partners will not kick in for improvements to this corner. J. Langdell said it doesn't seem to be effective in the long term to force changes on this road over a piece of pipe right now that may only have another twenty years of life left to it, if that. I am concerned about dumping a lot of money into this when we can't change an inferior pipe that will fail in the future. D. Knott inquired how important is fixing the radius or bolstering the penstock. Does the existing intersection work for emergency vehicles now? Can our largest fire apparatus navigate that turn safely without changes to that radius? What are the accident rates there? A. Prolman noted that part of the improvement was to facilitate emergency vehicle access to the Falcon Ridge development, but that subdivision has three other access points; Whiting Hill Rd, North River Rd and Maple St. As part of the Pine Valley Mill project, traffic engineer Steve Pernaw, testified that the Pine Valley Mill project will not have any traffic issues at the Wilton/North River Rd intersection and the Board obviously approved the project. That traffic study would have had to include Falcon Ridge build-out. L. Daley said one of the issues raised by Dufresne-Henry was navigation of that intersection by vehicles of a certain length. J. Langdell noted that was in 2005 and some of the standards may have changed. The new trend in road safety measures is to make intersecting roads perpendicular, but is that intersection unsafe? J. Heavisides reviewed the location and engineering in detail.

Chairman Beer opened the meeting for public comment; there being none, the public portion of the meeting was closed.

L. Daley said staff is open to discussing possible options this evening. The recommendations in the staff memo dated 9/23/16 were written as a way to find resolution to a situation that can be put to bed fairly quickly if both parties work together and he noted that the improvements were a part of the original subdivision approval. While due diligence may not have been done, this has been going on since 2006. There is bonding and sureties involved that need to be utilized and the improvements were approved by the Board to improve emergency access and safety on North River Rd. There are some very complicated issues here that need resolution by the Board. If the Board decides that the applicant is responsible for completing the offsite improvements, the action would be to withhold all further action pertaining to building permits or C/O's for the property until adequate surety is provided or the improvements are completed. Another option for the Board is to amend the agreement to put some of the surety money into an improvement fund of some sort for when the intersection may be improved. The Board identified the intersection in 2005 as needing improvement for emergency access and that should not be lost.

J. Langdell said she firmly believes that the intersection needs to be adjusted but doesn't know that the adjustments we are talking about are the appropriate action, given the quality of the penstock or the scope. Do we get to keep the surety? L. Daley said we cannot keep it in perpetuity but it could be put aside in a contribution fund of some sort. We could work with the applicant to put a monetary contribution aside towards the future improvements of the Wilton/North River Rd intersection. C. Beer added that the third option would be to remove that requirement, stating that the previously completed offsite improvements were sufficient to adequately address offsite improvements for the Falcon Ridge Development and this intersection would be improved by the town. J. Langdell said the Town knew something needed to be done about that intersection, back in 2005 and they coined it about emergency vehicles. Now every conversation we have been having has been about traffic, visualization and safety. Whatever you want to call it, something has to be done to address the spirit of the discussion in 2005 and I don't want to leave the Town hanging in this particular situation. T. Finan said we still don't know how much this will cost. C. Beer said the more appropriate question would be how much of a contribution should the Falcon Ridge Development make? J. Langdell said the same amount that was originally scoped out for the improvements. L. Daley stated there were approximately \$35,000-\$40,000 on the books for offsite improvements. M. Tancreti said that amount included all the improvements and the cost to do this intersection was very little to just clip the corner and pave it. We never asked for a reduction in the bond for the work already completed. L. Daley said it would be more appropriate to work with the DPW Director to determine what is left on the project itself and what a fair contribution would be to develop a revised punch list and go forward from there. J. Langdell said that we need to make sure onsite improvements are covered as well.

J. Langdell said if we were to follow the recommendations listed on the staff memo, how many people or families would be impacted. A. Prolman replied that five (5) homes are under contract. J. Langdell said this seems like

the equitable road to take, for everyone. Sometimes when projects take a long time to build out, things change and regulations change. C. Beer added that everybody would be relieved with this resolution so that the development can move forward.

D. Knott made a motion to amend the development agreement, upon receipt from the applicant of a revision to the original development agreement incorporating the following conditions:

1. Remove the condition to complete the off-site improvements associated with the Wilton Rd/North River Rd intersection as shown on the approved subdivision plans,
2. The applicant shall contribute to an offsite improvements fund, which shall be agreeable between the applicant and the Town, and
3. The revision shall be acceptable to the Director of Community Development, DPW Director and Town Counsel and which shall include MaRick, Inc., the current owner by foreclosure of the bulk of the undeveloped lots in the subdivision joined in the agreement.

J. Langdell seconded for discussion. M. Tancreti stated that he held the option to most of those lots. L. Daley said that the actual owner of the lots needed to be a party. T. Finan asked what the amount should be based upon. L. Daley said the wording is open ended because of inflationary factors and other elements that need to be discussed between the applicant and the Town to ensure that the Town is held whole on any improvements for that intersection going forward. D. Knott said it should hover back to what the original intent was. J. Langdell added that we can take consideration for the other offsite work that was done.

Chairman Beer called for a vote. All voted in favor; motion carried 6-0-0.

M. Tancreti said he didn't want C/O's being held up. L. Daley the Town doesn't want this to drag on either. A. Prolman said we will get this done within the next couple of months before the next house is ready for a C/O.

OTHER BUSINESS:

A Prolman said last night the Board of Selectmen were asked to consider the donation of lot 6/15 to the Town. This conveyance will come to the Town with an access easement across lot 6/14. According to NH RSA 41, the Board formally made the request for a referral from the Planning Board and the Conservation Commission. Those recommendations will go back to the Selectmen who then have to hold two public hearings within a short period of time. Our goal is to conclude this transaction before the end of the year and we will work with staff to get that formal process going. L. Daley noted that there is more information about the property now. A. Prolman stated that the HTE environmental work on the land that was done in 2009 has been provided and the Town will probably have updated. J. Langdell said she will need clear information about what will be allowed for access across the railroad tracks to make an informed decision; what can we do and what we cannot do. I am looking for any limitations that will be placed on the land by virtue of where it is and due to the access. A. Prolman said that would probably come from Bill Drescher.

J. Langdell stated that the Keyes Memorial Park Committee has been working diligently over the last few months to evaluate the new parcel, formerly known as 127 Elm St. We really need to input, so please fill out the survey located at the Town Hall, the Library or online through Facebook on the Milford Residents and Milford Citizens pages and on the Recreation Departments webpage.

The meeting was adjourned at 7:30PM.

Motion to approve: J. Langdell

Motion to second: D. Knott

MINUTES OF THE 9/27/16 MEETING APPROVED ON OCTOBER 25, 2016